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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,161	03/23/2004	Toshiya Shozaki	018775-884	4323
21839 7590 10/01/2008 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER				
WASHINGTON, JAMARES				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
10/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/720,161

Applicant(s)

SHOZAKI ET AL.

Examiner

JAMARES WASHINGTON

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 18, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendments and response received June 18, 2008 have been entered. Claims 1, 2, 4-7, 9, 10, 12-16 and 18-24 are currently pending. Claims 3, 8, 11 and 17 have been cancelled by this amendment. Amendments and response are addressed hereinbelow.

Drawings

Examiner accepts rationale of the quality of the submitted replacement drawing and thus withdraws previous objection to the drawings.

Claim Objections

In light of the cancellation of claims 3, 11 and 17, Examiner's previous objection is moot.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-7, 9, 10, 12-14 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuuichi Bannai et al (US 5267052).

Regarding claim 1, Bannai et al discloses an image processing apparatus (Fig. 1 image communication terminal) which acquires coded data of a plurality of images from an external recording medium (Col. 5 lines 54-57) recording hierarchically encoded data of the plurality of images in the unit of hierarchically encoding (Col. 5 lines 57-64), the apparatus comprising:

an input interface which receives signals from an external recording medium (Fig. 1 numeral 5 communication control unit must have an input interface to connect to the communication network 12);

an image input controller (Fig. 1 numeral 5 communication control) which acquires the coded data by said input interface first only at a low level of the unit of hierarchical encoding from the external recording medium over the plurality of images (Col. 5 lines 54-60; wherein the image data has been subjected to progressive encoding);

a decoder (Fig. 1 numeral 9) which decodes the coded data acquired by said image input controller (Col. 6 lines 23-27); and

a storage device (Fig. 1 numeral 10) which stores data decoded by said decoder (Col. 6 lines 24-30).

Regarding claim 2, Bannai et al discloses the image processing apparatus according to claim 1, wherein the low level of the unit of hierarchical encoding is the lowest level (Col. 17 lines 67 through Col. 18 line 4; wherein in practical application of the aforementioned embodiment, icon image data is transmitted from the terminal before original image data; explained at Col. 2 lines 64-67).

Regarding claim 4, Bannai et al discloses the image processing apparatus according to claim 1, further comprising a print engine which prints an image based on data decoded by said decoder (Col. 8 lines 8-22; The printer as disclosed must have a "print engine" to be operable as an output printing device).

Regarding claim 5, Bannai et al discloses the image processing apparatus according to claim 1, further comprising:

an index maker (Given Fig. 4 and Col. 6 lines 23-32, there must exist an "index maker") which makes an index image of the plurality of images based on the data at a low level of the unit of hierarchical encoding on the plurality of images (Col. 6 lines 23-32);

a print engine (see rejection of claim 4) which prints the index image received from said index maker (Col. 7 lines 54-56 and Col. 8 lines 3-5);

an operational device (Fig. 1 numeral 2 keyboard) which instructs to make an index to said index maker (Col. 5 lines 42-47); and

a controller (Fig. 1 numeral 1 CPU) which allows to activate said index maker when instructed by said operational device ("In FIG. 1, a central processing unit (CPU) 1 controls the operation of the entire image communication terminal. A keyboard 2 inputs various kinds of operation commands and character code data to the CPU 1" at Col. 1 lines 7-11) after data acquisition of the data at a low level of the unit of hierarchical encoding is completed (Col. 5 lines 60-64 wherein the data is stored in memory 7 after the completion of reception. Memory 7 holds encoded image data as described in Col. 6 lines 23-32).

Regarding claim 6, Bannai et al discloses the image processing apparatus according to claim 5, wherein said image input controller continues to receive data at higher levels of the unit of hierarchical encoding for each of the plurality of images, after the data acquisition of the data at the low level of the unit of hierarchical encoding is completed (Indicated by "The facsimile receiving unit 318-2 decodes the original images received after storing the previously received icon images in a storage unit 318-3..." in Col. 17 lines 37-39).

Regarding claim 7, Bannai et al discloses the image processing apparatus according to claim 5, further comprising a display device (Fig. 1 numeral 3) which displays a state of data acquisition of the coded data (Col. 17 lines 59-68 and Col. 18 lines 1-11 wherein the state of data acquisition is displayed in the form of "icon" images" before receiving "original" images) divided by levels of the unit of hierarchical encoding (The reception of the "icon" image before

receiving the "original" or higher resolution image reads on divided by levels of the unit of hierarchical encoding).

Regarding claim 9, Bannai et al discloses an image processing method for acquiring coded data of a plurality of images from an external recording medium which records hierarchically encoded data of the plurality of images in the unit of hierarchically encoding (see rejection of claim 1; Image processing apparatus carrying out the method), the method comprising the steps of:

acquiring the coded data first only at a low level of the unit of hierarchical encoding from the external recording medium over the plurality of images (see rejection of claim 1); and

decoding the coded data acquired from the external recording medium (see rejection of claim 1).

Regarding claim 10, Bannai et al discloses the image processing method according to claim 9, wherein the low level of the unit of hierarchical encoding is the lowest level (see rejection of claim 2).

Regarding claim 12, Bannai et al discloses the image processing method according to claim 9, further comprising:

making an index image on the plurality of images based on the data at a low level of the unit of hierarchical encoding on the plurality of images (see rejection of claim 5); receiving an instruction by a user to make an index (see rejection of claim 5); and activating the step of

making the index image when instructed by the user after data acquisition of the data at a low level of the unit of hierarchical encoding is completed (see rejection of claim 5).

Regarding claim 13, Bannai et al discloses the image processing method according to claim 12, further comprising the step of acquiring data at high level of the unit of hierarchical encoding for each of the plurality of images, after the data acquisition of the data at a low level of the unit of hierarchical encoding is completed (see rejection of claim 6).

Regarding claim 14, Bannai et al discloses the image processing method according to claim 12, further comprising the step of displaying a state of data acquisition of the coded data divided by levels of the unit of hierarchical encoding (see rejection of claim 7).

Regarding claim 21, Bannai et al discloses the computer readable recording medium according to claim 18, the program further comprising the step of displaying a state of data acquisition of the coded data divided by levels of the unit of hierarchical encoding (see rejection of claim 7).

Regarding claim 22, Bannai et al discloses the image processing apparatus according to claim 1, wherein the coded data is compressed data (Suggested at Col. 6 lines 61-63; wherein the encoder performs entropy encoding using arithmetic encoding which is a form of lossless compression).

Regarding claim 23, Bannai et al discloses the image processing method according to claim 9, wherein the coded data is compressed data (Suggested at Col. 6 lines 61-63; wherein the encoder performs entropy encoding using arithmetic encoding which is a form of lossless compression).

Regarding claim 24, Bannai et al discloses the computer readable recording medium according to claim 15, wherein the coded data is compressed data (Suggested at Col. 6 lines 61-63; wherein the encoder performs entropy encoding using arithmetic encoding which is a form of lossless compression).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bannai et al in view of Hiroshi Kajiware (US 6985630 B2).

Regarding claim 15, Bannai et al discloses the method of acquiring coded data of a plurality of images from an external recording medium which records hierarchically encoded

data of the plurality of images in the unit of hierarchically encoding, the method comprising the steps of:

acquiring the coded data first only at a low level of the unit of hierarchical encoding from the external recording medium over the plurality of images (see rejection of claim 1); and

decoding the coded data acquired from the external recording medium (see rejection of claim 1).

Bannai et al fails to disclose or fairly suggest a computer readable recording medium which records an image processing program for carrying out the above method.

Kajiwara, in the same field of endeavor, teaches the use of a computer readable recording medium which records an image processing program for carrying out computer implemented methods in an image processing apparatus (Col. 18 lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method performed by the image processing apparatus as disclosed by Bannai et al to utilize a computer readable recording medium which records an image processing program so a computer or an apparatus may read and execute the program code stored to realize the functionality of the hardware.

Regarding claim 16, Bannai discloses the computer readable recording medium according to claim 15 (see rejection of claim 15), wherein the low level of the unit of hierarchical encoding is the lowest level (see rejection of claim 2).

Regarding claim 18, Bannai discloses the computer readable recording medium according to claim 15 (see rejection of claim 15 for computer readable recording medium), the program further comprising the steps of:

making an index image on the plurality of images based on the data at a low level of the unit of hierarchical encoding on the plurality of images (see rejection of claim 5); receiving an instruction by a user to make an index (see rejection of claim 5); and activating the step of making the index image when instructed by the user after data acquisition of the data at a low level of the unit of hierarchical encoding is completed (see rejection of claim 5).

Regarding claim 19, Bannai et al discloses the computer readable recording medium according to claim 18 (see rejection of claim 15 for computer readable recording medium), the program further comprising the step of acquiring data at high level of the unit of hierarchical encoding for each of the plurality of images, after the data acquisition of the data at a low level of the unit of hierarchical encoding is completed (see rejection of claim 5).

Regarding claim 20, Bannai et al discloses the computer readable recording medium according to claim 18 (see rejection of claim 15 for computer readable recording medium), the program further comprising the step of displaying that an image can be primed after data at the high level of the unit of hierarchical encoding is acquired for the image (Col. 18 lines 25-30 wherein an icon image is selected and the original image is displayed and may be primed in accordance with an indication from a keyboard), and of outputting the image based on the data

acquired on the image when instructed by a user (Col. 18 lines 25-27 wherein an icon is selected and the original image is displayed).

Response to Arguments

5. Applicant's arguments filed June 18, 2008 have been fully considered but they are not persuasive.

Applicant's remarks: There is no disclosure in Bannai that the communication control unit 5 acquires coded data first only at a low level of the unit of hierarchical encoding over a plurality of images. Instead, it appears that, for a plurality of images, the communication Control unit 5 would, at most, sequentially acquire each individual image's image data as a whole, one image at a time. That is, every stage of the first image's encoded data would be acquired first, then every stage of the second image's encoded data, and so on.

Examiner's response: Examiner disagrees with Applicant's assertions that "every stage of the first image's encoded data would be acquired first, then every stage of the second image's encoded data, and so on". Bannai explains the transmission process in which the "icon" (lowest resolution) images are first transmitted and can be quickly displayed because of the small amount of data to avoid acquiring undesired images and unnecessary data from unwanted original images (Col. 17 line 67 through Col. 18 line 11).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARES WASHINGTON whose telephone number is (571)270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

Jamare Washington
Assistant Examiner
Art Unit 2625

/J. W./
Examiner, Art Unit 2625

/Jamare Washington/
Examiner, Art Unit 2625

September 25, 2008